

From Pamphlets to Buttons: The BCTF FSA Opposition Campaign Continues

With the BCTF heading into their Representative Assembly on February 1, 2008 and the FSA testing set to begin February 4, 2008, the BCTF actions and initiatives in opposition to the FSA enter a new phase. While the effect of the campaign tactics is different in each district, the following advice is provided for your information.

Buttons

There have been reports from a small number of districts that the BCTF opposition campaign against the FSA may be evolving in the form of distribution and wearing of union buttons. The buttons contain the message: "FSA No! Assessment YES."

- **Is it appropriate for teachers to wear such buttons in a school setting where students are present?**

It is not appropriate for a teacher who is acting in an instructional role/setting in the presence of students to wear a button displaying a union and/or political message such as that stated above. The role of the teacher is to educate students and not to advance their individual or union's self interests. School districts must be aware of the vulnerability of children to the messages conveyed by their teachers. Teachers are authority figures to students and must be careful to ensure that they do not abuse the power and influence they have over them. As students are a captive audience and as there may not be a counterpoint to the views of the teacher, particularly in an elementary school setting, it is important to ensure that the classroom and the learning environment of a school are unimpaired by a teacher's use of the classroom to advance a political agenda. Teachers are obliged to maintain their professionalism and to foster an open and supportive education environment. Such an environment can be undermined where teachers use the classroom to advance their political views.

Should this and/or similar circumstance arise in your district, teachers should be reminded that it is the district's expectation that such buttons not be displayed by a teacher in the presence of students in an instructional role/setting.

Student Participation is not Optional

The union continues to publicly state, "There is nothing in the School Act, Regulations, Ministerial Orders, or Ministry policy that requires students to write FSA tests..."

This statement is incorrect and misleading. Sections 17, 85(2)(j), 168(2)(d) and (d.1) of the *School Act* all provide the legislative basis for the requirement that students write the FSAs:

- Section 17 – teachers are responsible for assessing and evaluating students or groups of students and performing the duties set out in the Regulations.
- Section 85(2)(j) – a Board may, subject to the orders of the Minister, cause an educational assessment to be made of students or groups of students.
- Section 168(d) and (d.1) – the Minister may make orders related to assessing the effectiveness of educational programs.

Further, the Student Learning Assessment Order (Ministerial Order 60/94 as amended) (the “Order”) requires school boards to ensure that the FSA tests are administered and completed by students in accordance with the assessment protocols, instructions, and invigilation procedures established by the Ministry of Education.

Page 2 of the Ministry’s 2008 Administration Instructions sets out who is to write the FSA:

All students write FSA including:

- ALL students enrolled in Grade 4 or Grade 7, including students enrolled in a distributed learning program, home-schooled students as well as students enrolled in French Immersion or Programme francophone
- All students enrolled in non-graded programs who were born in:
 - 1998 write grade 4 level
 - 1995 write grade 7 level
- English-as-a-second language (ESL) students
- Students with special needs who require adaptations, as documented in their individual education plans (IEPs)
- Students receiving learning assistance services.

Exceptions include:

- Students who have previously written the FSA. Students write the FSA for a specific grade once only. If a student is retained, s/he does not write a second time.
- Students who have IEPs documenting a disability that significantly impacts their performance in reading, writing or numeracy and who cannot meaningfully participate in all or part of the assessment, even with adaptations
- Students with IEPs who would need extensive adaptations or who would need such extended periods of time as to create a hardship for the individual student, or
- Those students who are reported and funded as receiving ESL support who have not yet reached a level of proficiency sufficient for them to provide meaningful responses to the reading or writing or numeracy sections of the FSA.

Principals identify which students, if any, are excused from one, two or all three components of the FSA. Principals must notify a parent or guardian if they intend to excuse a student from participating in one or more components of the FSA. Such notification should be made prior to the administration date by letter or telephone call.

Principals may excuse a student in the event of a family emergency, a lengthy illness or other extenuating circumstances.

Principals of public schools are to send a list of excused students to their superintendent.

As indicated in previous @ *issue* bulletins on the FSA, teachers should not be providing parents or students with inaccurate information pertaining to the participation of students in the FSA. Should this be an issue in your district, teachers should be advised of this expectation. As well, a district may

consider communicating directly with parents on the correct participation guidelines set by the Ministry as stated above.

Teacher Participation in the Administration of FSA not Optional

On April 3, 2002, the Labour Relations Board (LRB) issued a decision (BCLRB No. 123/2002) concluding that supervising FSA tests is work which teachers are obligated to perform and ordered the BCTF to suspend its direction to members not to supervise the test.

On pages 5 and 6 of this award, the LRB stated, "...it is clearly within the authority of the Ministry of Education to set this test as a provincial student learning assessment under the Ministry order. The Ministerial Order also allows school boards to designate teachers as the individuals responsible for supervising the FSA test."

Article 3 of the Student Learning Assessment Order states:

Administration and completion of assessments

3. ...a teacher, principal, vice principal or director of instruction or other person designated by the minister or board...must
 - (b) ensure that the assessments are administered and completed, and that the data collected from the assessments are transmitted to the minister, in accordance with the assessment protocols, instructions and invigilation procedures sent to the board...by the minister with each assessment,...

A teacher's participation is not limited to the supervision of the FSA tests, but includes full administration of the tests in accordance with the instructions received by the teacher. As this has not been an issue since the 2002 LRB award and order, it is not expected that your district will experience teacher refusals in this area. However, should this not be the case, school boards can direct teachers to comply.

Scoring FSAs

The BCTF has taken the position that the activity of "marking" is not the work of teachers. They have indicated to their members that the scoring of the FSA is a voluntary activity — "not our work." The BCTF has advised teachers (including TOCs and retired teachers) not to volunteer to score FSA tests. Although the BCTF has confirmed that it would not be a violation of the BCTF's code of ethics for a teacher to participate in the marking of the FSA, the BCTF has also issued the following instructions to their local presidents:

"We have serious objections to many aspects of the FSA, therefore, we have undertaken a concerted, collective effort to oppose FSAs and are asking our members not to mark. Of course, our members need to know if they defy a direct order they may be disciplined. However, this is a matter of conscience and there is strength in numbers. Marking is voluntary and we should be standing firm in our refusal to mark the FSA exams."

Under Section 17 of the *School Act*, a teacher has the duty to assess and evaluate individual students and groups of students. Section 4 of the *School Regulation* indicates that teachers are to provide teaching and other educational services as required or assigned by the board or the minister. Further support is contained in the *Student Learning Assessment Order*, which stipulates that teachers designated by the board are to ensure that the assessments are administered and completed in accordance with the protocols and instructions sent to the board by the minister. The FSA Administration Instructions for 2008 indicate that the scoring shall be done "consistent with the scoring

arrangements at your school or within your school district.” As a result, a school or school district has a variety of options to consider, including that of utilizing teachers to score the assessments. Consistent with past methods used by districts, it is our understanding that districts are planning on utilizing a variety of methods in this regard, including:

- Requesting teachers
- Professional development opportunity for teachers in the area of assessment
- TOCs
- Retired teachers
- Retired administrators
- Administrators jointly with teachers
- Providing release time
- Providing honorariums
- Providing a day in lieu, etc.

Rather than confining their opposition to FSA to a healthy debate based on accurate information, the BCTF strategy appears to be designed to raise the profile of the issue by attempting to create confrontational situations between a district and its teachers and parents (teacher’s refusal to score/parent’s request to withdraw student). This is not healthy for students, parents, or teachers. For scoring, we recommend that districts attempt to work with their teachers through a healthy dialogue in a mature, professional manner.

Once the FSA tests have been written, should a district find itself in the position where they are unable to have the FSAs scored without providing direction, please contact your BCPSEA liaison.

Questions

Each district is dealing with the FSA and related matters in a unique local circumstance. That unique local circumstance is influenced by provincial initiatives and reactions. Your BCPSEA liaison has or will be contacting you directly over the coming days and weeks to keep you apprised of how this complex environment may affect your district.

You may have received correspondence from your local purporting to contain excerpts of a legal opinion that was provided from Harris and Company to a school district regarding legal issues related to FSA. The correspondence with these references from some locals is misleading, out of context and could be inaccurate. If you have questions regarding FSA specific to your district, please do not rely on such correspondence from the locals. Instead, please contact your district liaison for assistance.

For more information concerning FSA, please refer to our previous @ *issue* bulletins 2008-03, 2008-02, 2008-01, 2007-09, 2007-07, 2007-06, 2007-04 and 2007-02 found on the BCPSEA website at <http://www.bcpsea.bc.ca/access/publications/aissue/aissue.html>